

EXHIBIT E37

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

3 KIRK VON SALZEN and)
4 JANET VON SALZEN,)
5 Plaintiffs,)
6 vs.)
7 AMERICAN INTERNATIONAL) Case No. JCCP 4674/
8 INDUSTRIES INC. (sued BC680576
9 individually and as
successor to PINAUD, INC., ED.
10 BARBARA ALICE, INC., ED.
11 PINAUD, INC. d/b/a ED.
12 PINAUD, and NESTLE-LE MUR
COMPANY); et al.,
Defendants.)

13

14 DEPOSITION OF
15 WILLIAM E. LONGO, PhD

16

17 June 27, 2018
18 11:28 a.m.

19 11555 Medlock Bridge Road, Suite 100
Johns Creek, Georgia

20

21 Debra R. Luther, RMR, CRR, CCR-B-881
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16:45:35 1 organization, the ones that did this analysis?
 16:45:37 2 A. I have testified about that in the past.
 16:45:38 3 But I've also -- you know, since I started reviewing
 16:45:42 4 Johnson & Johnson documents, I see that 1977 letter
 16:45:47 5 that Ian Stewart sent to the Cosmetic -- I can't
 16:45:53 6 remember all the acronyms -- that they never found
 16:45:56 7 asbestos in one sample. And that's just not true.
 16:45:58 8 They have samples where they found asbestos in them.
 16:46:01 9 So I'm absolutely -- Walter McCrone was the guy for
 16:46:06 10 optical microscopy.

16:46:07 11 Q. But haven't you testified in the past --
 16:46:10 12 and if I'm not remembering this correctly, let me
 16:46:13 13 know.
 16:46:13 14 But even to this day you've testified that
 16:46:18 15 Walter McCrone's group, that same group that
 16:46:22 16 analyzed this talc, same company, is still a
 16:46:25 17 top-notch organization?

16:46:28 18 A. I'm not sure you've heard my testimony
 16:46:31 19 lately in trial because I've been critical now of
 16:46:34 20 McCrone through that, especially when I see things
 16:46:37 21 like leaving data out where they found .05 percent.
 16:46:42 22 And I have the utmost respect for
 16:46:46 23 Dr. Walter McCrone, but he wasn't involved in the
 16:46:48 24 day-to-day operations over at McCrone Associates.

16:46:51 25 Q. Okay. So let me ask you this, because the
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16:48:25 1 in it with the manufacturers, are you?
 16:48:29 2 A. I don't know what -- the reason behind Ian
 16:48:34 3 Stewart's letter. And Walter McCrone's group at that
 16:48:37 4 time was over at the Research Institute, so it's not
 16:48:40 5 really something he was over and involved in on
 16:48:44 6 management day-to-day operations. He was teaching.
 16:48:47 7 He was, you know, one of the best PLM schools in the
 16:48:52 8 country.

16:48:52 9 I don't know why Ian Stewart wrote that
 16:48:56 10 letter when McCrone had data that said there was
 16:48:58 11 asbestos in those samples.

16:49:01 12 Q. So you're talking about the 1987 McCrone
 16:49:05 13 letter to Armstrong World Industries, the 1987 one;
 16:49:10 14 right?

16:49:10 15 A. And the 1977 letter to the Cosmetic --
 16:49:15 16 what is the acronym?

16:49:17 17 MR. PURDY: CTFA.

16:49:19 18 Q. (By Mr. Calfo) CTFA.

16:49:21 19 A. CTFA.

16:49:22 20 Q. So the part that you're saying is wrong is
 16:49:24 21 where McCrone vice president Ian Stewart said the
 16:49:30 22 Illinois EPA wrote to Windsor Minerals to the effect
 16:49:35 23 that they were satisfied that Windsor's product is
 16:49:39 24 free of asbestos, that has always been our opinion
 16:49:42 25 and continues to be our opinion based on over 15

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16:46:54 1 jury hears this when you say it. You're not saying
 16:47:00 2 or suggesting that Ian Stewart is a liar, are you?
 16:47:05 3 A. I don't know what was in Ian Stewart's
 16:47:09 4 mind. I got asked that at trial. He may really
 16:47:12 5 believe that. But I've seen the documents that
 16:47:15 6 dispute what he said in that letter.
 16:47:20 7 You know, don't ask me what I think about
 16:47:23 8 it now. I can't say that Ian Stewart was a liar or
 16:47:27 9 not. I don't know what he was thinking or what he
 16:47:30 10 knew about the tests that were being done under his
 16:47:33 11 management.

16:47:34 12 Q. You're not suggesting to the jury that the
 16:47:38 13 McCrone organization that James Millette was involved
 16:47:42 14 in, Walter McCrone and Ian Stewart 30 to 40 years
 16:47:48 15 ago, you're not suggesting that they didn't want to
 16:47:50 16 do their job correctly, are you?

16:47:52 17 A. Again, you're asking me to opine about
 16:47:55 18 what is in somebody's mind. Here's the only thing I
 16:47:58 19 can say. The 1977 letter about never finding
 16:48:01 20 asbestos is not true.

16:48:03 21 Q. Okay.

16:48:04 22 A. Why that was done or what was in Ian
 16:48:08 23 Stewart's mind, I can't testify about.

16:48:14 24 Q. You're not suggesting that somehow Walter
 16:48:21 25 McCrone's group conspired to sell talc with asbestos

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16:49:45 1 years of closely examining this product.
 16:49:47 2 That's what you were referring to in the
 16:49:48 3 1987 letter; right?
 16:49:50 4 A. Correct.
 16:49:52 5 Q. And that's the one where we've heard you
 16:49:53 6 testify and you get asked all the time about James
 16:49:57 7 Millette being cc'd; right?
 16:49:59 8 A. Correct.
 16:49:59 9 Q. So would you agree with me that you have
 16:50:05 10 testified that as of the 1970s and 1980s, that the
 16:50:14 11 McCrone where James Millette was vice president and
 16:50:19 12 had managed the lab, that that group was a top-notch
 16:50:26 13 research organization at that time?

16:50:26 14 A. I have stated it.

16:50:27 15 Q. So let me ask you this, Dr. McCrone.

16:50:35 16 You're not --

16:50:35 17 MR. PURDY: Dr. Longo.

16:50:36 18 Q. (By Mr. Calfo) I'm sorry.

16:50:38 19 Dr. Longo, you're not accusing James

16:50:41 20 Millette or Ian Stewart or the other folks at McCrone

16:50:45 21 from that top-notch organization at the time of

16:50:50 22 conspiring to sell talc with asbestos in it, are you?

16:50:55 23 A. Again, I don't know what they were

16:50:57 24 thinking. It's my opinion those two letters are not

16:51:05 25 true. You have data showing that there was asbestos

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16:51:09 1 found, and you have also -- so they don't correspond.
 16:51:18 2 That's all I'm saying is -- I can't say
 16:51:21 3 what they were thinking, their mind, or they were
 16:51:26 4 involved in a conspiracy to expose babies to
 16:51:29 5 asbestos. I was just looking at the letter that I'm
 16:51:32 6 shown on cross-examination when I also know there's
 16:51:35 7 data that makes that letter not valid.

16:51:38 8 Q. Here's another question that I've been
 16:51:40 9 thinking about.

16:51:42 10 James Millette, between you and
 16:51:45 11 Dr. Compton, have testified that he's a reliable
 16:51:48 12 person, he's an honest person, and you would agree
 16:51:50 13 with that, wouldn't you?

16:51:52 14 A. I have the highest respect for
 16:51:54 15 Dr. Millette. We have collaborated together, and
 16:51:56 16 we've also been on opposite sides. So I don't agree
 16:51:59 17 with everything he does, and if -- you know,
 16:52:04 18 Dr. Millette needs to be asked, you know, how much
 16:52:07 19 involvement did he have with that as vice president.
 16:52:10 20 I don't know. I'm just trying to reconcile the
 16:52:13 21 letter and the data.

16:52:14 22 Q. But you would agree with me that someone
 16:52:17 23 like Dr. Millette is not the kind of guy that would
 16:52:20 24 knowingly allow test results to be fudged so that
 16:52:27 25 they were concluding there was no asbestos in the
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16:53:41 1 know that he cc'd Millette to ensure he got it?

16:53:46 2 I mean --

16:53:46 3 Q. (By Mr. Calfo) Well, here's why I'm
 16:53:48 4 asking that, because I heard you criticize Ian
 16:53:53 5 Stewart at trial. So why do you --

16:53:53 6 MR. PURDY: He stated why he criticizes
 16:53:56 7 Ian Stewart. Ian Stewart has positive tests
 16:53:58 8 that he knows about, and then he sends the
 16:54:00 9 letter saying there aren't positive tests. It
 16:54:02 10 couldn't be any clearer what the trial testimony
 16:54:04 11 has been, and it's not changing today.

16:54:06 12 MR. CALFO: I know, but the problem I
 16:54:08 13 have -- and I don't want to have a debate about
 16:54:10 14 it -- is Dr. Longo knows what Dr. Stewart knows,
 16:54:12 15 and then he says he doesn't know whatever anyone
 16:54:16 16 else knows. So I think I'm entitled to ask the
 16:54:19 17 question. If he can't answer it --

16:54:20 18 MR. PURDY: What's the question? Do you
 16:54:21 19 know what Dr. Millette knows?

16:54:23 20 MR. CALFO: No.

16:54:23 21 Q. (By Mr. Calfo) Have you ever thought why
 16:54:25 22 Dr. Millette was cc'd on that letter if it was wrong?
 16:54:28 23 A. No. And I haven't even criticized Ian
 16:54:31 24 Stewart to say anything like I know he's lying. I
 16:54:34 25 just said I don't know what Ian Stewart is thinking.

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16:52:31 1 baby powder when in fact there was? You're not
 16:52:37 2 saying that they would do that, are you?

16:52:39 3 MR. PURDY: Objection. Compound, vague,
 16:52:42 4 and ambiguous, calls for speculation.

16:52:42 5 THE WITNESS: I can't testify about what
 16:52:44 6 people are thinking or not thinking. I'm just
 16:52:46 7 looking at data and dates.

16:52:50 8 Q. (By Mr. Calfo) You know, Dr. Millette
 16:52:53 9 also was involved in the actual analysis of the talc
 16:52:57 10 used by Johnson & Johnson. You know that; right?

16:53:02 11 A. I haven't seen his name on any of the
 16:53:05 12 reports.

16:53:06 13 And again, it wasn't Dr. Millette who
 16:53:09 14 wrote that letter. I don't know what the mindset of
 16:53:17 15 any of these folks are. I'm just looking at letter,
 16:53:20 16 data.

16:53:21 17 Q. Let me ask you this. Have you ever
 16:53:22 18 thought to yourself, whether it's at home or in the
 16:53:24 19 shower or whatever, you know, Ian Stewart, even
 16:53:26 20 though I don't agree with him all the time, when he
 16:53:29 21 wrote that letter, he went so far as to cc
 16:53:32 22 Dr. Millette to ensure he had it? Did that ever pop
 16:53:37 23 into your mind?

16:53:38 24 MR. PURDY: How could he possibly know --
 16:53:40 25 how could Dr. Longo sit here today and possibly

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16:54:38 1 They are a good lab, but I'm having some
 16:54:41 2 issues about that. And when I'm shown that letter
 16:54:46 3 and say, look, you say McCrone is the best
 16:54:48 4 organization in the world and they're saying they
 16:54:51 5 have never found any asbestos, irrespective of the
 16:54:54 6 data they have that did show asbestos.

16:54:58 7 Q. In all your work in the last couple years
 16:55:00 8 on cosmetic talc have you ever seen a letter
 16:55:03 9 or anything that Dr. Millette authored that actually
 16:55:09 10 references to Johnson & Johnson, hey, don't use this
 16:55:12 11 talc because you're going to expose people to
 16:55:16 12 asbestos? Did you ever see any letter like that?

16:55:18 13 MR. PURDY: Objection. Assumes
 16:55:20 14 Dr. Millette tested Johnson & Johnson. Lacks
 16:55:22 15 foundation, calls for speculation.

16:55:23 16 THE WITNESS: I have not seen a letter
 16:55:24 17 like that, no.

16:55:25 18 Q. (By Mr. Calfo) You know Dr. Millette was
 16:55:28 19 manager in laboratory services at McCrone during the
 16:55:33 20 time period they tested the Vermont talc?

16:55:35 21 A. In Atlanta, that's correct, he was
 16:55:43 22 manager, and Richard Hatfield was the manager of the
 16:55:45 23 overall lab.

16:55:46 24 Q. And you know Dr. Millette was also vice
 16:55:49 25 president and general manager of McCrone when the

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